

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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COMMISSION

In the Matter of:

**AN INVESTIGATION OF EAST KENTUCKY
POWER COOPERATIVE, INC.'S NEED
FOR THE GILBERT UNIT AND THE
KENTUCKY PIONEER ENERGY, LLC
PURCHASE POWER AGREEMENT**)
)
) **CASE NO. 2003-00030**
)
)

**THE APPLICATION OF EAST KENTUCKY
POWER COOPERATIVE, INC. FOR
APPROVAL TO PURCHASE POWER
AGREEMENT**)
)
) **CASE NO. 2000-00079**
)
)

**OBJECTION OF EAST KENTUCKY POWER COOPERATIVE, INC.
TO MOTION TO INTERVENE**

Comes East Kentucky Power Cooperative, Inc., ("EKPC") and for its Objection to the Motion of Charles T. Walters for Full Intervention in these cases, states as follows:

1. The Public Service Commission (the "Commission") initiated Case No. 2003-00030 to review its prior approval of the Power Purchase Agreement between EKPC and Kentucky Pioneer Energy, L.L.C. ("KPE") on January 30, 2003. That prior case, Case No. 2000-00079, was initiated in February 2000 and a final order was issued in July of that year. Mr. Walters has had no involvement in any aspect of these cases as they proceeded over three and one-half years. Discovery in the most recent phase of these cases began on July 7 of this year and is nearly complete at this time. To allow Mr. Walters to intervene in these cases at such a late point, given his lack of familiarity with the cases and the substantial record involved, would be unduly disruptive of the proceedings and would impose an unreasonable burden upon EKPC. Mr. Walters' Motion is untimely and should be denied.

2. Mr. Walters has failed to identify a special interest in these cases which is not adequately represented by the other parties in the cases. Mr. Walters' interests as a member consumer of Clark Energy Cooperative, Inc., an EKPC member system, are in no way distinct from the general interests of any residential ratepayer and are too remote to justify intervention in the cases. The interests of ratepayers, in general, are adequately represented in these cases by the Commission staff and the Attorney General.

3. Mr. Walters' intervention in these cases is in no way essential to assure that the Commission is informed of the progress of other proceedings before the Franklin Circuit Court or the Kentucky State Board on Electric Generation and Transmission Siting that may have an impact on the KPE Project. Mr. Walters' assertion that the Commission's decision in its proceedings should be influenced by the potential impact on Mr. Walters' "ability to vindicate his position" in the referenced Franklin Circuit Court action is clearly improper as a basis for intervention. While the outcomes of those other proceedings may impact the future of the KPE Project, the issues in contention in those cases are beyond the scope of the Commission's review of the Power Purchase Agreement, and Mr. Walters' interests in those matters are not appropriate for the Commission's consideration in this review.

4. Mr. Walters has had no direct involvement in the development of the KPE Project, in the negotiation or administration of the Power Purchase Agreement, or in any EKPC actions or decisions regarding the Project and, therefore, can offer no information to the Commission which would be relevant to its review in these cases.

5. EKPC does not object to the filing of a statement by Mr. Walters in the cases, but believes that his participation in the remainder of the proceedings as an intervenor, on a full or limited basis, would be unreasonably disruptive, and is unjustified in the circumstances.

WHEREFORE, EKPC respectfully objects to the Motion to Intervene filed by Mr. Walters and requests the Commission to deny said Motion for the reasons stated hereinabove.

Respectfully submitted,

DALE W. HENLEY



CHARLES A. LILE

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ATTORNEYS FOR EAST KENTUCKY
POWER COOPERATIVE, INC.

CERTIFICATE OF SERVICE

This is to certify that the foregoing Objection of East Kentucky Power Cooperative, Inc., to Motion to Intervene in the above-styled case was transmitted by facsimile, and an original and 10 copies were mailed to Thomas M. Dorman, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, KY 40601; and copies were mailed to Honorable Tom FitzGerald, P.O. Box 1070, Frankfort, Kentucky 40602, and to the Parties of Record in the case, this 14th day of August, 2003.



CHARLES A. LILE